

Senate Study Bill 1190 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON TECHNOLOGY BILL BY
CHAIRPERSON COURNOYER)

A BILL FOR

1 An Act relating to the publication of certain public notices
2 by designated public entities, providing for fees, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 6B.2A, subsection 2, unnumbered
2 paragraph 1, Code 2023, is amended to read as follows:

3 The acquiring agency shall cause a notice to be published
4 ~~once in a newspaper of general circulation in the county or~~
5 ~~city where the agricultural land is located. The notice shall~~
6 ~~be published~~ as provided in chapter 9J at least four but no
7 more than twenty days before the public hearing is held as
8 referred to in [subsection 1](#). The published notice shall, at a
9 minimum, include the following information:

10 Sec. 2. NEW SECTION. 9J.1 **Definitions.**

11 For the purposes of this chapter, unless the context
12 otherwise requires:

13 1. *“Official internet site”* means the internet site used
14 by a public posting entity to conduct or communicate official
15 business and information.

16 2. *“Official social media account”* means a social media
17 account used by a public posting entity to conduct or
18 communicate official business and information.

19 3. *“Online portal”* means the system established and
20 maintained by the secretary of state pursuant to this chapter
21 for public posting entities to post statutorily required public
22 notices.

23 4. *“Public posting entity”* means the state of Iowa, a
24 county, a city, a public school district, a private agency as
25 defined in section 28E.2, or a public agency as defined in
26 section 28E.2.

27 5. *“Statutorily required public notice”* means a notice
28 required by the Iowa code to be made available to members of
29 the public.

30 Sec. 3. NEW SECTION. 9J.2 **Online portal — statutorily**
31 **required public notices.**

32 1. Notwithstanding any provision of law to the contrary,
33 a public posting entity shall post any statutorily required
34 public notice as provided in this chapter.

35 2. The secretary of state or the secretary of state’s

1 designee shall establish and maintain an online portal through
2 which public posting entities shall post statutorily required
3 public notices.

4 3. The online portal shall be searchable by all of the
5 following categories:

6 a. County.

7 b. City.

8 c. School district.

9 d. Public notice type, including but not limited to meeting
10 notices, meeting minutes, elections, abandoned property,
11 proposed rulemaking, and proposed public project.

12 4. The secretary of state shall collect a fee of five
13 dollars from a public posting entity for each notice posted by
14 the public posting entity.

15 5. Moneys collected by the secretary of state pursuant to
16 this section shall be deposited in the business administration
17 fund created pursuant to section 9.13.

18 Sec. 4. NEW SECTION. 9J.3 Public posting entities —
19 responsibilities.

20 1. Each statutorily required public notice posted pursuant
21 to this chapter shall be posted on a timely basis as required
22 by the law requiring the public notice and include all of the
23 following:

24 a. All information necessary to satisfy the statutory
25 requirements of the specific public posting, including but not
26 limited to the purpose, date, location, and time of a public
27 meeting.

28 b. Current contact information of the public posting entity,
29 including a telephone number and email address, such that the
30 public may contact the public posting entity regarding the
31 public posting.

32 c. Instructions for submitting public comments, if
33 applicable.

34 2. A public posting entity is solely responsible for the
35 contents of its statutorily required public notice. Neither

1 the secretary of state nor the secretary of state's designee
2 is responsible for the content of a public posting entity's
3 statutorily required public notice. This includes but is not
4 limited to monitoring or verifying the accuracy of a public
5 posting entity's public notice.

6 3. A public posting entity shall remove a statutorily
7 required public notice from the online portal within fourteen
8 business days following the expiration of the statutorily
9 required time the posting was required to be available to
10 the public. Nothing in this section shall be construed to
11 affect a posting entity's requirements to keep a record of
12 such statutorily required public postings if another section
13 requires such records be kept.

14 4. Notwithstanding section 9J.2, a public posting entity
15 shall post a physical copy of a statutorily required public
16 notice on a bulletin board or other prominent place which is
17 easily accessible to the public and clearly designated for that
18 purpose at the principal office of the public posting entity,
19 or if no such office exists, at the building in which the
20 meeting is to be held.

21 5. Nothing in this chapter shall affect the duty of a
22 public posting entity to make public use copies of statutorily
23 required public notices available to the public as otherwise
24 required by law.

25 6. A public posting entity shall, at least three times
26 between the enactment and the effective date of this Act,
27 publish a notice in a newspaper meeting the requirements of
28 section 618.3, at the rates set in section 618.11, that the
29 public posting entity will be required to post notices to the
30 online portal as of the effective date of this Act. The notice
31 shall include the internet address of the online portal and the
32 effective date of this Act.

33 **Sec. 5. NEW SECTION. 9J.4 Permissive posting and**
34 **publication.**

35 1. A public posting entity that has satisfied the

1 requirements of sections 9J.2 and 9J.3 may also post a
2 statutorily required public notice on the official internet
3 site or official social media account of the public posting
4 entity.

5 2. A public posting entity that has satisfied the
6 requirements of sections 9J.2 and 9J.3 may also post a
7 statutorily required public notice in an official newspaper
8 as provided in section 618.3 at the rates provided in section
9 618.11.

10 Sec. 6. NEW SECTION. 9J.5 **Exceptions.**

11 This chapter does not apply to any of the following:

- 12 1. The office of the governor.
- 13 2. The general assembly.
- 14 3. A notice regarding any of the following:
 - 15 a. A rulemaking document posted pursuant to section 2B.5A.
 - 16 b. The interstate physical therapy licensure compact posted
17 pursuant to section 147C.1.
 - 18 c. The emergency medical services personnel licensure
19 interstate compact posted pursuant to section 147D.1.
 - 20 d. The occupational therapy licensure compact posted
21 pursuant to section 147E.1.
 - 22 e. The audiology and speech language pathology interstate
23 compact posted pursuant to section 147F.1.
 - 24 f. The nurse and advanced practice registered nurse
25 licensure compacts posted pursuant to section 152E.1.
 - 26 g. The interstate compact for juveniles posted pursuant to
27 section 232.173.
 - 28 h. The vehicle equipment compacts posted pursuant to section
29 321D.1.
- 30 4. Notice required to be posted pursuant to chapter 17A.
- 31 5. Notice required to be posted pursuant to the Constitution
32 of the State of Iowa.

33 Sec. 7. NEW SECTION. 9J.6 **Rules.**

34 The secretary of state shall adopt rules pursuant to chapter
35 17A for the implementation of this chapter.

1 Sec. 8. Section 24.9, subsection 1, paragraph a, Code 2023,
2 is amended to read as follows:

3 a. Each municipality shall file with the secretary or clerk
4 thereof the estimates required to be made in sections 24.3
5 through 24.8, at least twenty days before the date fixed by
6 law for certifying the same to the levying board and shall
7 forthwith fix a date for a hearing on the estimates, and
8 shall publish such estimates and any annual levies previously
9 authorized as provided in [section 76.2](#), with a notice of the
10 time when and the place where such hearing shall be held not
11 less than ten nor more than twenty days before the hearing.
12 ~~Provided that in municipalities of less than two hundred~~
13 ~~population such estimates and the notice of hearing shall~~
14 ~~be posted in three public places in the district in lieu of~~
15 ~~publication. For any other municipality such Such publication~~
16 ~~shall be in a newspaper published in the municipality, if any,~~
17 ~~if not, then in a newspaper of general circulation in the~~
18 ~~municipality as provided in chapter 9J.~~

19 Sec. 9. Section 26A.3, subsection 3, paragraph b, Code 2023,
20 is amended to read as follows:

21 b. The request for statements of qualifications shall be
22 posted not less than thirteen and not more than forty-five days
23 before the date for response in a relevant contractor plan room
24 service with statewide circulation, in a relevant construction
25 lead generating service with statewide circulation, and ~~on an~~
26 ~~internet site sponsored by either a governmental entity or a~~
27 ~~statewide association that represents the governmental entity~~
28 ~~as provided in chapter 9J.~~ If circumstances beyond the control
29 of the governmental entity require postponement and there are
30 no changes to the project's contract documents, a notice of
31 the revised date shall be posted not less than four and not
32 more than forty-five days before the revised date for answering
33 the request for proposals and statements of qualifications
34 in a relevant contractor plan room service with statewide
35 circulation, in a relevant construction lead generating service

1 with statewide circulation, and ~~on an internet site sponsored~~
2 ~~by either a government entity or a statewide association that~~
3 ~~represents the governmental entity as provided in chapter 9J.~~

4 Sec. 10. Section 26A.3, subsection 5, paragraph a,
5 subparagraph (1), Code 2023, is amended to read as follows:

6 (1) The construction manager-at-risk shall prepare a
7 request for statements of qualifications. The request shall
8 include general information on the project site, project
9 scope, schedule, selection criteria, and the time and place
10 for receipt of statements of qualifications. The construction
11 manager-at-risk shall provide public notice of the request for
12 statements of qualifications in a relevant contractor plan room
13 service with statewide circulation, a relevant construction
14 lead generating service with statewide circulation, and ~~on an~~
15 ~~internet site sponsored by either a governmental entity or a~~
16 ~~statewide association that represents the governmental entity~~
17 as provided in chapter 9J. The request for statements of
18 qualifications shall be posted not less than thirteen and not
19 more than forty-five days before the date for response.

20 Sec. 11. Section 49.53, subsection 2, Code 2023, is amended
21 to read as follows:

22 2. The notice shall be published in ~~at least one newspaper,~~
23 ~~as defined in [section 618.3](#), which is published in the county~~
24 ~~or other political subdivision in which the election is to~~
25 ~~occur or, if no newspaper is published there, in at least~~
26 ~~one newspaper of substantial circulation in the county or~~
27 ~~political subdivision. For the general election or the primary~~
28 ~~election the foregoing notice shall be published in at least~~
29 ~~two newspapers published in the county. However, if there is~~
30 ~~only one newspaper published in the county, publication in one~~
31 ~~newspaper shall be sufficient~~ as provided in chapter 9J.

32 Sec. 12. Section 69.2, subsection 2, Code 2023, is amended
33 to read as follows:

34 2. If the status of an officeholder is in question, the
35 entity or officer responsible for making an appointment to

1 fill the vacancy shall decide whether a vacancy exists. The
2 appointing entity or officer may act upon its own motion. If
3 a petition signed by twenty-five registered voters of the
4 jurisdiction is received, the appointing entity or officer
5 shall convene within thirty days to consider whether a vacancy
6 exists. The appointing entity or officer shall publish notice
7 as provided in chapter 9J that a public hearing will be held to
8 determine whether a vacancy exists. The notice shall include
9 the time and place of the hearing and the name of the office
10 and the officeholder whose status is in question. The public
11 hearing shall be held not less than four nor more than fourteen
12 days after publication of the notice. The officer whose status
13 is in question shall be notified of the time and place of the
14 hearing. Notice shall be sent by certified mail and must be
15 postmarked at least fourteen days before the hearing. No later
16 than seven days after the public hearing, the appointing entity
17 or officer shall publish its decision. If the appointing
18 entity or officer decides that the office is vacant, the
19 publication shall state the date the vacancy occurred and what
20 action will be taken to fill the vacancy.

21 Sec. 13. Section 256.11, subsection 16, paragraph c, Code
22 2023, is amended to read as follows:

23 *c.* If the state board takes preliminary action to remove
24 an agency from the approved list published on the department's
25 internet site pursuant to paragraph "a", the department
26 shall, at least one year prior to removing the agency from
27 the approved list, notify the nonpublic schools participating
28 in the accreditation process offered by the agency of the
29 state board's intent to remove the accrediting agency from its
30 approved list of independent accrediting agencies. The notice
31 shall also be posted ~~on the department's internet site~~ as
32 provided in chapter 9J and shall contain the proposed date of
33 removal. The nonpublic school shall attain accreditation under
34 this subsection or [subsections 1 through 12](#) not later than one
35 year following the date on which the state board removes the

1 agency from its list of independent accrediting agencies.

2 Sec. 14. Section 260C.14, subsection 12, Code 2023, is
3 amended to read as follows:

4 12. During the second week of August of each year, publish
5 ~~by one insertion in at least one newspaper published in the~~
6 ~~merged area~~ as provided in chapter 9J a summarized statement
7 verified by affidavit of the secretary of the board showing
8 the receipts and disbursements of all funds of the community
9 college for the preceding fiscal year. The statement of
10 disbursements shall show the names of the persons, firms,
11 or corporations, and the total amount paid to each during
12 the fiscal year. The board is not required to make the
13 publications and notices required under [sections 279.35](#) and
14 [279.36](#).

15 Sec. 15. Section 279.36, Code 2023, is amended to read as
16 follows:

17 **279.36 Publication procedures and fee.**

18 ~~1.~~ The requirements of [section 279.35](#) are satisfied by
19 ~~publication in at least one newspaper published in the district~~
20 ~~or, if there is none, in at least one newspaper having general~~
21 ~~circulation within the district~~ as provided in chapter 9J.

22 ~~2.~~ ~~For the fiscal year beginning July 1, 1989, and each~~
23 ~~fiscal year thereafter, the fee for the publications shall be~~
24 ~~the legal publication fee provided by [section 618.11](#).~~

25 Sec. 16. Section 321.89, subsection 3, paragraph g, Code
26 2023, is amended to read as follows:

27 *g.* If it is impossible to determine with reasonable
28 certainty the identities and addresses of the last registered
29 owner and all lienholders, notice by one publication ~~in~~
30 ~~one newspaper of general circulation in the area where the~~
31 ~~vehicle was abandoned~~ as provided in chapter 9J shall be
32 sufficient to meet all requirements of notice under this
33 section. The published notice may contain multiple listings of
34 abandoned vehicles but shall be published within the same time
35 requirements and contain the same information as prescribed for

1 mailed notice in [this subsection](#).

2 Sec. 17. Section 331.302, subsection 8, Code 2023, is
3 amended to read as follows:

4 8. A resolution becomes effective upon passage and an
5 ordinance or amendment becomes a law when a summary of the
6 ordinance or the complete text of the ordinance is published
7 as provided in chapter 9J, unless a subsequent effective date
8 is provided within the measure. As used in [this subsection](#),
9 *"summary"* shall mean a narrative description of the terms and
10 conditions of an ordinance setting forth the main points of
11 the ordinance in a manner calculated to inform the public in a
12 clear and understandable manner the meaning of the ordinance
13 and which shall provide the public with sufficient notice to
14 conform to the desired conduct required by the ordinance.
15 The description shall include the title of the ordinance,
16 an accurate and intelligible abstract or synopsis of the
17 essential elements of the ordinance, a statement that the
18 description is a summary, the location and the normal business
19 hours of the office where the ordinance may be inspected, when
20 the ordinance becomes effective, and the full text of any
21 provisions imposing fines, penalties, forfeitures, fees, or
22 taxes. Legal descriptions of property set forth in ordinances
23 shall be described in full, provided that maps or charts may be
24 substituted for legal descriptions when they contain sufficient
25 detail to clearly define the area with which the ordinance is
26 concerned. The narrative description shall be written in a
27 clear and coherent manner and shall, to the extent possible,
28 avoid the use of technical or legal terms not generally
29 familiar to the public. When necessary to use technical or
30 legal terms not generally familiar to the public, the narrative
31 description shall include definitions of those terms.

32 Sec. 18. Section 331.305, subsection 1, Code 2023, is
33 amended to read as follows:

34 1. Unless otherwise provided by state law, if notice of an
35 election, hearing, or other official action is required by this

1 chapter, the board shall publish the notice ~~at least once, not~~
2 ~~less than four nor more than twenty days before the date of the~~
3 ~~election, hearing, or other action, in one or more newspapers~~
4 ~~which meet the requirements of section 618.14 as provided in~~
5 chapter 9J. Notice of an election shall also comply with
6 section 49.53.

7 Sec. 19. Section 331.434, subsections 3 and 6, Code 2023,
8 are amended to read as follows:

9 3. Following, and not until, adoption of the resolution
10 under section 331.433A, the board shall set a time and
11 place for a public hearing on the budget before the final
12 certification date and shall publish notice of the hearing
13 not less than ten nor more than twenty days prior to the
14 ~~hearing in the county newspapers selected under chapter 349~~
15 as provided in chapter 9J. A summary of the proposed budget
16 and a description of the procedure for protesting the county
17 budget under section 331.436, in the form prescribed by the
18 director of the department of management, shall be included
19 in the notice. Proof of publication of the notice under this
20 subsection 3 and a copy of the resolution adopted under section
21 331.433A shall be filed with and preserved by the auditor. A
22 levy is not valid unless and until the notice is published and
23 the notice and resolution adopted under section 331.433A are
24 filed. The department of management shall prescribe the form
25 for the public hearing notice for use by counties.

26 6. The board shall appropriate, by resolution, the amounts
27 deemed necessary for each of the different county officers
28 and departments during the ensuing fiscal year. Increases
29 or decreases in these appropriations do not require a budget
30 amendment, but may be provided by resolution at a regular
31 meeting of the board, as long as each class of proposed
32 expenditures contained in the budget summary published under
33 subsection 3 of this section is not increased. However,
34 decreases in appropriations for a county officer or department
35 of more than ten percent or five thousand dollars, whichever

1 is greater, shall not be effective unless the board sets a
2 time and place for a public hearing on the proposed decrease
3 and publishes notice of the hearing not less than ten nor more
4 than twenty days prior to the hearing ~~in the county newspapers~~
5 ~~selected under chapter 349~~ as provided in chapter 9J.

6 Sec. 20. Section 346.27, subsection 10, paragraph b, Code
7 2023, is amended to read as follows:

8 b. In addition to the notice required by [section 49.53](#), a
9 notice of the election shall be published once each week for at
10 least two weeks ~~in some newspaper published in the county~~ as
11 provided in chapter 9J stating the date of the election, the
12 hours the polls will be open, and a copy of the question. The
13 authority shall call this election with the concurrence of both
14 incorporating units. The election shall be conducted by the
15 commissioner in accordance with the provisions of [chapters 49](#)
16 and [50](#).

17 Sec. 21. Section 349.16, unnumbered paragraph 1, Code 2023,
18 is amended to read as follows:

19 There shall be published as provided in chapter 9J and in
20 each of the official newspapers at the expense of the county
21 during the ensuing year:

22 Sec. 22. Section 349.18, subsection 3, paragraph b, Code
23 2023, is amended to read as follows:

24 b. In addition to the requirements in paragraph "a", ~~if a~~
25 ~~county operates an internet site~~, the county auditor shall post
26 the full text of all resolutions adopted by the board ~~on the~~
27 ~~internet site~~ as provided in chapter 9J. Any posted summary or
28 text of a full resolution shall include links directing readers
29 to information relevant to the content of the resolution.

30 Sec. 23. Section 358.40, subsections 3 and 4, Code 2023, are
31 amended to read as follows:

32 3. The board shall examine the petition at its next meeting
33 after its filing or within twenty days of the filing, whichever
34 date is earlier. Within ten days of the meeting, the board
35 shall publish notice of the petition and the date, time, and

1 place of the meeting at which time the board proposes to take
2 action on the petition. The notice shall be published ~~in a~~
3 ~~newspaper of general circulation published in the district~~
4 ~~and, if no newspaper is published within the district, in a~~
5 ~~newspaper published in the county in which the major part of~~
6 ~~the district is located~~ as provided in chapter 9J. At the
7 board's meeting, or subsequent meetings as necessary, if the
8 petition is found to comply with the requirements of this
9 section and the board of trustees consents by majority vote,
10 the board of supervisors may provide for payment as requested
11 or modify the method of payment of costs and expenses.

12 4. If the board decides that dissolution is warranted for
13 the best interest of the public, it shall publish a notice ~~in a~~
14 ~~newspaper of general circulation published in the district or,~~
15 ~~if no newspaper is published in the district, in a newspaper~~
16 ~~published in the county in which the major part of the district~~
17 ~~is located~~ as provided in chapter 9J and give notice by mail
18 to all known claimants or creditors of the district that it
19 will receive and adjudicate claims against the district for
20 four months from the date the notice is published and shall
21 levy an annual tax as necessary against all property in the
22 district for the number of years required to pay all claims
23 allowed. However, the annual tax levied under [this subsection](#)
24 shall not exceed four dollars per thousand dollars of assessed
25 valuation of the taxable property within the district at the
26 time of dissolution. The levy shall be made in the same manner
27 as provided in [section 76.2](#). After the board makes a specific
28 finding that all indebtedness, costs, and expenses have been
29 paid or levies approved for their payment, the board shall
30 dissolve the district by resolution entered upon its records.
31 The dissolution order shall be noted by the auditor on the
32 county records, showing the date when the dissolution became
33 effective.

34 Sec. 24. Section 359.52, subsection 1, paragraph a, Code
35 2023, is amended to read as follows:

1 *a.* The board of trustees shall set forth its proposal in a
2 resolution and shall publish notice of the resolution and of
3 a date, time, and place of a public hearing on the proposal.
4 The notice shall be published ~~in a newspaper published at least~~
5 ~~once weekly and having general circulation in the township or~~
6 ~~in the largest city in the township~~ as provided in chapter 9J.
7 The notice shall be published no less than ten days and no more
8 than twenty days before the hearing.

9 Sec. 25. Section 362.3, subsection 1, paragraph b, Code
10 2023, is amended to read as follows:

11 *b.* A publication required by the city code must be ~~in a~~
12 ~~newspaper published at least once weekly and having general~~
13 ~~circulation in the city. However, if the city has a population~~
14 ~~of two hundred or less, or in the case of ordinances and~~
15 ~~amendments to be published in a city in which no newspaper is~~
16 ~~published, a publication may be made by posting in three public~~
17 ~~places in the city which have been permanently designated by~~
18 ~~ordinance~~ published as provided in chapter 9J.

19 Sec. 26. Section 362.3, subsection 2, Code 2023, is amended
20 by striking the subsection.

21 Sec. 27. Section 364.2, subsection 4, paragraph c, Code
22 2023, is amended to read as follows:

23 *c.* Notice of the election shall be given by publication
24 as prescribed in [section 49.53](#) ~~in a newspaper of general~~
25 ~~circulation in the city~~ and chapter 9J.

26 Sec. 28. Section 368.7, subsection 1, paragraph d, Code
27 2023, is amended to read as follows:

28 *d.* The city shall provide for a public hearing on the
29 application before approving or denying it. The city shall
30 provide written notice at least fourteen business days prior
31 to any action by the city council regarding the application,
32 including a public hearing, by regular mail to the chairperson
33 of the board of supervisors of each county which contains a
34 portion of the territory proposed to be annexed, each public
35 utility which serves the territory proposed to be annexed,

1 each owner of property located within the territory to be
2 annexed who is not a party to the application, and each owner
3 of property that adjoins the territory to be annexed unless
4 the adjoining property is in a city. The city shall publish
5 notice of the application and public hearing on the application
6 ~~in an official county newspaper in each county which contains~~
7 ~~a portion of the territory proposed to be annexed as provided~~
8 in chapter 9J. Both the written and published notice shall
9 include the time and place of the public hearing and a legal
10 description of the territory to be annexed. The city shall
11 not assess the costs of providing notice as required in this
12 section to the applicants. The city council shall approve or
13 deny the application by resolution of the council.

14 Sec. 29. Section 368.7, subsections 2 and 3, Code 2023, are
15 amended to read as follows:

16 2. An application for annexation of territory not within
17 an urbanized area of a city other than the city to which the
18 annexation is directed must be approved by resolution of the
19 council which receives the application. The city council shall
20 mail a copy of the application by certified mail to the board
21 of supervisors of each county which contains a portion of the
22 territory at least fourteen business days prior to any action
23 taken by the city council on the application. The council
24 shall also publish notice of the application ~~in an official~~
25 ~~county newspaper in each county which contains a portion of~~
26 ~~the territory~~ as provided in chapter 9J at least fourteen days
27 prior to any action taken by the council on the application.
28 Upon receiving approval of the council, the city clerk shall
29 file a copy of the resolution, map, and legal description of
30 the territory involved with the secretary of state, the county
31 board of supervisors of each county which contains a portion
32 of the territory, each affected public utility, and the state
33 department of transportation. The city clerk shall also record
34 a copy of the legal description, map, and resolution with the
35 county recorder of each county which contains a portion of

1 the territory. The secretary of state shall not accept and
2 acknowledge a copy of a legal description, map, and resolution
3 of annexation which would create an island. The annexation is
4 completed upon acknowledgment by the secretary of state that
5 the secretary of state has received the legal description, map,
6 and resolution.

7 3. An application for annexation of territory within an
8 urbanized area of a city other than the city to which the
9 annexation is directed must be approved both by resolution of
10 the council which receives the application and by the board.
11 The board shall not approve an application which creates an
12 island. Notice of the application shall be mailed by certified
13 mail, by the city to which the annexation is directed, at least
14 fourteen business days prior to any action by the city council
15 on the application to the council of each city whose boundary
16 adjoins the territory or is within two miles of the territory,
17 to the board of supervisors of each county which contains a
18 portion of the territory, each affected public utility, and
19 to the regional planning authority of the territory. Notice
20 of the application shall be published ~~in an official county~~
21 ~~newspaper in each county which contains a portion of the~~
22 ~~territory as provided in chapter 9J~~ at least ten business days
23 prior to any action by the city council on the application.
24 The annexation is completed when the board has filed and
25 recorded copies of applicable portions of the proceedings as
26 required by [section 368.20, subsection 1](#), paragraph "b".

27 Sec. 30. Section 384.15A, subsection 4, paragraph a,
28 unnumbered paragraph 1, Code 2023, is amended to read as
29 follows:

30 The council shall set a time and place for a public
31 hearing on the resolution before the date for adoption of the
32 resolution and shall publish notice of the hearing not less
33 than ten nor more than twenty days prior to the hearing ~~in a~~
34 ~~newspaper published at least once weekly and having general~~
35 ~~circulation in the city. However, if the city has a population~~

1 ~~of two hundred or less, publication may be made by posting in~~
2 ~~three public places in the city as provided in chapter 9J.~~
3 If the city has an internet site, the notice ~~shall~~ may also
4 be posted and clearly identified on the city's internet site
5 for public viewing beginning on the date of the newspaper
6 publication or public posting, as applicable. Additionally, if
7 the city maintains a social media account on one or more social
8 media applications, the public hearing notice or an electronic
9 link to the public hearing notice ~~shall~~ may be posted on each
10 such account on the same day as the publication of the notice.
11 All of the following shall be included in the notice:

12 Sec. 31. Section 384.16, subsection 3, Code 2023, is amended
13 to read as follows:

14 3. Following, and not until, adoption of the resolution
15 under [section 384.15A](#), the council shall set a time and place
16 for public hearing on the budget before the final certification
17 date and shall publish notice of the hearing not less than ten
18 nor more than twenty days before the hearing ~~in a newspaper~~
19 ~~published at least once weekly and having general circulation~~
20 ~~in the city. However, if the city has a population of two~~
21 ~~hundred or less, publication may be made by posting in three~~
22 ~~public places in the city as provided in chapter 9J.~~ A summary
23 of the proposed budget and a description of the procedure for
24 protesting the city budget under [section 384.19](#), in the form
25 prescribed by the director of the department of management,
26 shall be included in the notice. Proof of publication of the
27 notice under [this subsection 3](#) and a copy of the resolution
28 adopted under [section 384.15A](#) must be filed with the county
29 auditor. The department of management shall prescribe the form
30 for the public hearing notice for use by cities.

31 Sec. 32. Section 419.9, Code 2023, is amended to read as
32 follows:

33 **419.9 Public hearing.**

34 Prior to the issuance of any bonds under authority of this
35 chapter, the municipality shall conduct a public hearing on the

1 proposal to issue said bonds. Notice of intention to issue the
2 bonds, specifying the amount and purpose thereof and the time
3 and place of hearing, shall be published at least once not less
4 than fifteen days prior to the date fixed for the hearing ~~in~~
5 ~~a newspaper published and having a general circulation within~~
6 ~~the municipality. If there is no newspaper published therein,~~
7 ~~the notice shall be published in a newspaper published in the~~
8 ~~county and having a general circulation in the municipality~~
9 as provided in chapter 9J. At the time and place fixed for
10 the public hearing the governing body of the municipality
11 shall give all local residents who appear at the hearing an
12 opportunity to express their views for or against the proposal
13 to issue the bonds and at the hearing, or any adjournment
14 thereof, shall adopt a resolution determining whether or not to
15 proceed with the issuance of the bonds.

16 Sec. 33. Section 423F.3, subsection 3, paragraph d, Code
17 2023, is amended to read as follows:

18 *d.* The board secretary shall notify the county commissioner
19 of elections of the intent to take an issue to the voters
20 pursuant to paragraph "b" or "c". The county commissioner
21 of elections shall publish the notices required by law for
22 special or general elections as provided in chapter 9J, and the
23 election shall be held on a date specified in section 39.2,
24 subsection 4, paragraph "c". A majority of those voting on the
25 question must favor approval of the revenue purpose statement.
26 If the proposal is not approved, the school district shall
27 not submit the same or new revenue purpose statement to the
28 electors for a period of six months from the date of the
29 previous election.

30 Sec. 34. Section 423F.3, subsection 7, paragraph a, Code
31 2023, is amended to read as follows:

32 *a.* Prior to approving the use of revenues received under
33 this chapter for an athletic facility infrastructure project
34 within the scope of the school district's approved revenue
35 purpose statement or pursuant to [subsection 4](#) for a school

1 district without an approved revenue statement, the board of
2 directors shall adopt a resolution setting forth the proposal
3 for the athletic facility infrastructure project and hold an
4 additional public hearing on the issue of construction of the
5 athletic facility. Notice of the time and place of the public
6 hearing shall be published not less than ten nor more than
7 twenty days before the public hearing ~~in a newspaper which is~~
8 ~~a newspaper of general circulation in the school district as~~
9 provided in chapter 9J. If at any time prior to the fifteenth
10 day following the hearing, the secretary of the board of
11 directors receives a petition containing the required number
12 of signatures and asking that the question of the approval of
13 the use of revenues for the athletic facility infrastructure
14 project be submitted to the voters of the school district,
15 the board of directors shall either rescind the board's
16 resolution for the use of revenues for the athletic facility
17 infrastructure project or direct the county commissioner of
18 elections to submit the question to the registered voters of
19 the school district at an election held on a date specified
20 in [section 39.2, subsection 4](#), paragraph "c". The petition
21 must be signed by eligible electors equal in number to not less
22 than one hundred or thirty percent of the number of voters
23 at the last preceding election of school officials under
24 section 277.1, whichever is greater. If a majority of those
25 voting on the question favors the use of the revenues for the
26 athletic facility infrastructure project, the board shall be
27 authorized to approve such use by resolution of the board. If
28 a majority of those voting on the question does not favor the
29 use of the revenues for the athletic facility infrastructure
30 project, the board of directors shall rescind the board's
31 resolution for the use of revenues for the athletic facility
32 infrastructure project. If a petition is not received by the
33 board of directors within the prescribed time period, the board
34 of directors may approve the use of revenues for the athletic
35 facility infrastructure project without voter approval.

1 Sec. 35. Section 455B.305A, subsection 1, paragraph b, Code
2 2023, is amended to read as follows:

3 *b.* Prior to the siting of a proposed new sanitary landfill
4 or incinerator by a private agency disposing of waste which
5 the agency generates on property owned by the agency which is
6 located outside of the city limits and for which no county
7 zoning ordinance exists, the private agency shall cause written
8 notice of the proposal, including the nature of the proposed
9 facility, and the right of the owner to submit a petition for
10 formal siting of the proposed site, to be served either in
11 person or by mail on the owners and residents of all property
12 within two miles in each direction of the proposed local site
13 area. The owners shall be identified based upon the authentic
14 tax records of the county in which the proposed site is to be
15 located. The private agency shall notify the county board of
16 supervisors which governs the county in which the site is to
17 be located of the proposed siting, and certify that notices
18 have been mailed to owners and residents of the impacted area.
19 ~~Written notice shall be published in the official newspaper,~~
20 ~~as selected by the county board of supervisors pursuant to~~
21 ~~section 349.1, of the county in which the site is located as~~
22 provided in chapter 9J. The notice shall state the name and
23 address of the applicant, the location of the proposed site,
24 the nature and size of the development, the nature of the
25 activity proposed, the probable life of the proposed activity,
26 and a description of the right of persons to comment on the
27 request. If two hundred fifty or a minimum of twenty percent,
28 whichever is less, of the owners and residents of property
29 notified submit a petition for formal review to the county
30 board of supervisors or if the county board of supervisors, on
31 the board's own motion, requires formal review of the proposed
32 siting, the private agency proposal is subject to the formal
33 siting procedures established pursuant to this section.

34 Sec. 36. Section 455B.305A, subsection 3, paragraph b, Code
35 2023, is amended to read as follows:

1 b. Written notice shall be published ~~in the official~~
2 ~~newspaper of the county in which the site is located~~ as
3 provided in chapter 9J. The notice shall state the name and
4 address of the applicant, the location of the proposed site,
5 the nature and size of the development, the nature of the
6 activity proposed, the probable life of the proposed activity,
7 the date when the request for site approval will be submitted,
8 and a description of the right of persons to comment on the
9 request.

10 Sec. 37. Section 455B.305A, subsection 5, Code 2023, is
11 amended to read as follows:

12 5. At least one public hearing shall be held by the city
13 council or county board of supervisors no sooner than ninety
14 days but no later than one hundred twenty days from receipt of
15 the request for siting approval. A hearing shall be preceded
16 by published notice ~~in an official newspaper of the county of~~
17 ~~the proposed site, including in any official newspaper located~~
18 in the city of the proposed site as provided in chapter 9J.

19 Sec. 38. Section 459.304, subsection 2, paragraph a,
20 subparagraph (1), Code 2023, is amended to read as follows:

21 (1) The board shall publish a notice that the board has
22 received the application ~~in a newspaper having a general~~
23 circulation in the county as provided in chapter 9J.

24 Sec. 39. Section 465C.11, subsection 3, Code 2023, is
25 amended to read as follows:

26 3. Before the board shall make a finding of imperative and
27 unavoidable public necessity, or shall enter into any amendment
28 to articles of dedication, the board shall provide notice of
29 such proposal and opportunity for any person to be heard. Such
30 notice shall be published at least once ~~in a newspaper with a~~
31 ~~general circulation in the county or counties wherein the area~~
32 directly affected is situated as provided in chapter 9J, and
33 mailed within ten days of such published notice to all persons
34 who have requested notice of all such proposed actions. Each
35 notice shall set forth the substance of the proposed action and

1 describe, with or without legal description, the area affected,
2 and shall set forth a place and time not less than sixty days
3 thence for all persons desiring to be heard to have reasonable
4 opportunity to be heard prior to the finding of the board.

5 Sec. 40. Section 533.320, subsection 4, paragraph b, Code
6 2023, is amended to read as follows:

7 b. The sale shall be held at the time and place specified
8 in a notice published prior to the sale once each week for
9 two successive weeks ~~in a newspaper of general circulation~~
10 ~~published in the city or unincorporated area in which the state~~
11 ~~credit union has its principal place of business, or if there~~
12 ~~is none, a newspaper of general circulation published in the~~
13 ~~county, or in a county adjoining the county, in which the state~~
14 ~~credit union has its principal place of business~~ as provided
15 in chapter 9J.

16 Sec. 41. Section 556.12, subsection 1, Code 2023, is amended
17 to read as follows:

18 1. If a report has been filed with the treasurer of state,
19 or property has been paid or delivered to the treasurer of
20 state, for the fiscal year ending on June 30 or, in the case of
21 unclaimed demutualization proceeds, for the preceding calendar
22 year as required by [section 556.11](#), the treasurer of state
23 shall provide for the publication annually of at least one
24 notice not later than the following November 30. Each notice
25 shall be published at least once each week for two successive
26 weeks ~~in an English language newspaper of general circulation~~
27 ~~in the county in this state in which is located the last known~~
28 ~~address of any person to be named in the notice. If an address~~
29 ~~is not listed or if the address is outside this state, the~~
30 ~~notice shall be published in the county in which the holder~~
31 ~~of the abandoned property has its principal place of business~~
32 ~~within this state~~ as provided in chapter 9J.

33 Sec. 42. EFFECTIVE DATE. This Act takes effect July 1,
34 2024, except that the secretary of state may adopt rules for
35 the implementation of this Act prior to that date.

1

EXPLANATION

2

The inclusion of this explanation does not constitute agreement with
the explanation's substance by the members of the general assembly.

3

4 This bill relates to the posting of public notices. The bill
5 requires the secretary of state or the secretary of state's
6 designee to create an online portal on which a public posting
7 entity, defined in the bill to include the state of Iowa, an
8 Iowa county, an Iowa city, an Iowa public school district, or
9 an Iowa private or public agency as defined in Code chapter
10 28E (joint exercise of governmental powers), must post all
11 statutorily required public notices, defined in the bill.
12 The online portal shall be searchable based on county, city,
13 school district, and type of public notice. The bill requires
14 the secretary of state to collect a fee of \$5 from a public
15 posting entity for each notice posted by the entity and to
16 deposit moneys collected pursuant to the bill in the business
17 administration fund.

18 The bill requires a statutorily required public notice
19 posted to the online portal to be timely made, include
20 statutorily required information, contact information for
21 the entity posting the notice, and instructions for making
22 public comments, if applicable. A public posting entity is
23 solely responsible for the contents of a notice posted by the
24 entity, and neither the secretary of state nor the secretary
25 of state's designee shall be responsible for the content of
26 public notices. The bill requires a public posting entity to
27 remove a statutorily required public notice from the online
28 portal within 14 days of the expiration of the required posting
29 time. The bill does not change a public posting entity's
30 responsibility to keep record of a posting or make public use
31 copies of a posting available if otherwise required. The bill
32 also requires a public posting entity to post a physical copy
33 of a statutorily required public notice in a prominent place
34 that is easily accessible to the public and clearly designated
35 for that purpose at the principal office of the public posting

1 entity, or if no such office exists, at the building in which
2 the meeting is to be held. The bill allows a public posting
3 entity to also post a statutorily required public notice on
4 the official internet site or official social media account of
5 the public posting entity or in an official newspaper. The
6 bill requires a public posting entity to publish a notice in
7 a newspaper at least three times between the enactment and
8 effective date of the bill that the public posting entity will
9 be required to post notices to the online portal, the internet
10 address for which will be included in the notice.

11 The bill does not apply to the office of the governor
12 or the general assembly. The bill also exempts notices
13 posted pursuant to Code section 2B.5A (Iowa administrative
14 bulletin and Iowa administrative code), Code sections enacting
15 interstate compacts, Code chapter 17A (Iowa administrative
16 procedure Act), or the Iowa Constitution from the requirements
17 of the bill.

18 The bill amends sections throughout the Code that require
19 the publication of public notice to require that the notice
20 be posted consistent with the requirements of the bill. The
21 bill takes effect July 1, 2024, except that the secretary of
22 state may adopt rules for the implementation of the bill prior
23 to that date.